

Serial No. 10/668,683
Response dated March 9, 2005
Reply to Office Action dated December 9, 2004

REMARKS

This paper is filed in response to the Office Action dated December 9, 2004. As this paper is filed on March 9, 2005, the paper is timely filed.

I. Status of Amendments

Claims 1-12 were pending prior to this response. Applicants hereby amend claims 1, 2, and 8-10. Thus, claims 1-12 remain pending.

Because applicants originally paid for 3 independent claims and 20 total claims, no additional fee is due because of the 1 independent claim added by this amendment.

II. Response to the December 9 Office Action

Claims 10-12 were objected to under 37 C.F.R. 1.75(c). Applicants have rewritten claim 10 in independent form, including all of the limitations of claim 2, as amended. Consequently, this objection is traversed.

Claim 2, 8 and 9 were rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. Applicants have amended claims 2, 8, and 9 to correct the antecedent basis issues raised by the examiner. Specifically, claim 2 now explicitly recites first and second connections and first and second clock pulses. Claim 8 now depends from claim 3, which recites a comparison device. Claim 9 now recites “the clock pulse,” as opposed to “a clock pulse.”

Claim 1 is rejected under 35 U.S.C. 102(b) as allegedly anticipated by Kawasaki et al. (U.S. Patent No. 6,433,607). Claims 1, 2 and 10-12 are rejected under 35 U.S.C. 102(e) as allegedly anticipated by Jong et al. (U.S. Patent No. 6,737,892). Claims 1-7 and 10-12 are rejected under 35 U.S.C. 102(e) as allegedly anticipated by Hattori (U.S. Patent No. 6,791,369).

Claim 1 recites a circuit device comprising at least a first connection and a second connection. A single clock pulse (CLK, CLK_T) can be applied to the first connection or a differential clock pulse (CLK, CLK_T, /CLK, /CLK_T) can be applied to the first and second

connections. The circuit device of claim 1 also includes a detection facility to detect whether there is a differential clock pulse (CLK, CLK_T, /CLK, /CLK_T) present at the first and second connections or a single clock (CLK, CLK_T) present at the first connection.

Claim 2 recites a circuit device comprising at least a first connection, to which a clock pulse (CLK, CLK_T) can be applied, and a second connection, to which a clock pulse (/CLK, /CLK_T) can be applied. The circuit device of claim 2 also includes a detection facility which, in determining whether a clock pulse (/CLK, /CLK_T) is present at the second connection, determines whether there are differential clock pulses (CLK, CLK_T; /CLK, /CLK_T) present at the connections or whether there is a single clock pulse (CLK, CLK_T) present at the first connection, but not at the second connection.

Claim 10 recites a semi-conductor component that comprises at least one circuit device comprising at least a first connection, to which a clock pulse (CLK, CLK_T) can be applied, and a second connection, to which a clock pulse (/CLK, /CLK_T) can be applied, and a detection facility which in determining whether a clock pulse (/CLK, /CLK_T) is present at the second connection, determines whether there are differential clock pulses (CLK, CLK_T; /CLK, /CLK_T) present at the connections, or whether there is a single clock pulse (CLK, CLK_T) present at the first connection, but not at the second connection.

Applicants submit that none of Kawasaki et al., Jong et al., and Hattori disclose or suggest a circuit device with first and second clock connections, whereby either a single clock pulse (CLK, CLK_T) can be applied to the first connection or a differential clock pulse (CLK, CLK_T; /CLK, /CLK_T) can be applied to the first and second connections, and a detection facility to detect whether there is a differential clock pulse (CLK, CLK_T; /CLK, /CLK_T) present at the connections or a single clock pulse (CLK, CLK_T) is present at the first connection. As claims 1, 2 and 10 recite these limitations, not found in the cited references, the rejections should be withdrawn. Moreover, as claims 3-9 depend from claim 2 and claims 11 and 12 depend from claim 10, these claims are also allowable because claims 2 and 10 are not anticipated by any of Kawasaki et al., Jong et al. or Hattori.

Claims 1-12 are also provisionally rejected under the judicially-created doctrine of obviousness-type double patenting over claims 1-20 of U.S. Patent Application No. 10/658,741. In this regard, applicant notes that a Notice of Allowance was issued on March

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3, 2005 in regard to claims 1-20 of the '741 application. Consequently, applicants file herewith a terminal disclaimer to address the double patenting issue raised.

It should be noted that the filing of the terminal disclaimer is not an admission as to the propriety of the double patenting rejection, as also set forth in Section 804.02 of the Manual of Patent Examining Procedure ("MPEP"), a portion of which is quoted below:

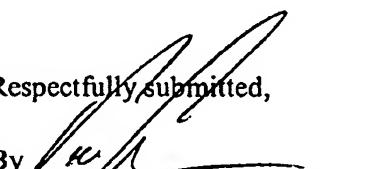
The filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). The court indicated that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection."

MPEP, §804.02; see also *Ortho Pharmaceutical Corp. v. Smith*, 22 U.S.P.Q.2d 1119 (Fed. Cir. 1992). Consequently, the fact that the applicants do not address the substance of the double patenting rejection should not be construed as an admission of the correctness of the double patent rejection or that the applicant agrees with the statements made in support of the rejection.

In view of the foregoing, it is respectfully submitted that the above application is in condition for allowance, and reconsideration is respectfully requested. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

Dated: March 9, 2005

Respectfully submitted,

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